

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

In re:

**Rodney Wayne Simmons**

S.S. No.: xxx-xx-5894

Mailing Address: 2805 Ashe Street, Durham, NC 27703-

**Case No. 11-80037**

Debtor.

**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtor has filed for relief under Chapter 13 of the United States Bankruptcy Code on January 7, 2011.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtor's proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: January 31, 2011

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

John T. Orcutt

N.C. State Bar No. 10212

Counsel for the Debtor

6616-203 Six Forks Rd.

Raleigh, N.C. 27615

Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

# **CH. 13 PLAN - DEBTS SHEET** (MIDDLE DISTRICT - DESARDI VERSION)

Date: **12/13/10**

Lastname-SS#: **Simmons-5894**

## **RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN**

Retain	Creditor Name	Sch D #	Description of Collateral

## **SURRENDER COLLATERAL**

Creditor Name	Description of Collateral

## **ARREARAGE CLAIMS**

Retain	Creditor Name	Sch D #	Arrearage Amount	(See *)
				**
				**
				**
				**
				**
				**
				**
				**
				**

## **REJECTED EXECUTORY CONTRACTS/LEASES**

Creditor Name	Description of Collateral

## **LTD - DOT ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS**

Retain	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
				N/A	n/a		
				N/A	n/a		
				N/A	n/a		
				N/A	n/a		

## **STD - SECURED DEBTS @ FMV**

Retain	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	Santander		\$2,620	5.00	\$26	\$55.26	2005 Ford Taurus
				5.00			
				5.00			
				5.00			

## **STD - SECURED DEBTS @ 100%**

Retain	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	North State Acceptance		\$16,399	5.00	\$93	\$345.88	2006 Cadillac
	Hart Acquisitions		\$2,000	5.00	\$20	\$42.18	1996 Dodge Ram
				5.00			
				5.00			
				5.00			

## **ATTORNEY FEE (Unpaid part)**

Attorney Fee (Unpaid part)	Amount
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Luw Offices of John T. Orcutt, P.C.	\$2,800
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## **SECURED TAXES**

Secured Taxes	Secured Amt
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IRS Tax Liens	
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Real Property Taxes on Retained Realty	
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## **UNSECURED PRIORITY DEBTS**

Unsecured Priority Debts	Amount
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IRS Taxes	
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State Taxes	
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Personal Property Taxes	\$374
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Alimony or Child Support Arrearage	
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CO-SIGN PROTECT (Pay 100%)	Int. %	Payoff Amt
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All Co-Sign Protect Debts (See*)		
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## **GENERAL NON-PRIORITY UNSECURED**

General Non-Priority Unsecured	Amount**
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DMI= None(\$0)

None(\$0)

## **PROPOSED CHAPTER 13 PLAN PAYMENT**

\$ **\$477** per month for **60** months, then

\$ **N/A** per month for **N/A** months.

Adequate Protection Payment Period: **6.25** months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

\* = May include up to 2 post-petition payments.

\* Co-sign protect on all debts so designated on the filed schedules.

\*\* = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan\_MD\_(DeSardi Version 1/12/10) © LOJTO

## **Other Miscellaneous Provisions**

Plan to allow for 3 "waivers".

## **CERTIFICATE OF SERVICE**

I, Kaelyn McCollum, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s Kaelyn McCollum  
\_\_\_\_\_  
Kaelyn McCollum

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

Benjamin Gilbert, Director  
Attn: Legal Dept. of UNC Hospital  
101 Manning Drive  
Chapel Hill, NC 27514

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

AARP Medicare Rx  
Post Office Box 29300  
Hot Springs National Park, AR 71903

Catalino De La Cruz Jr.  
Post Office Box 1334  
Caldwell, NJ 07007

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

Absolute Collection Service \*\*  
421 Fayetteville Street Mall  
Suite 600  
Raleigh, NC 27601

Central Parking Corporation  
326 East Chapel Hill Street  
Durham, NC 27701

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

Alfred C Burris, MD  
1328 Southern Avenue  
Washington, DC 20032

Central Portfolio Control  
6640 Shady Oak Road, Ste 300  
Eden Prairie, MN 55344-7710

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

Allstate Insurance  
Post Office Box 3589  
Akron, OH 44309-3589

Collection Bureau  
155 North Plank Road  
Newburgh, NY 12550-1718

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

American Express  
777 American Expressway  
Fort Lauderdale, FL 33337-0001

Comcast Cable  
4400 Belle Oaks Drive  
North Charleston, SC 29405-8511

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

Applied Bank  
Bankcard Center  
PO box 11170  
Wilmington, DE 19850-1170

Consolidated Recovery Systems  
Post Office Box 1719  
Memphis, TN 38101

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

Asurion  
Post Office Box 110767  
Nashville, TN 37222

Cornerstone Credit Corp.  
335 Meridan Road  
Waterbury, CT 06705

Internal Revenue Service (ED)\*\*  
Post Office Box 7346  
Philadelphia, PA 19101-7346

Bayonne Hospital  
29 Avenue  
Bayonne, NJ 07002

Credit Bureau of Greensboro\*\*  
Post Office Box 26140  
Greensboro, NC 27402-0040

Credit Collection Service  
Post Office Box 9136  
Needham Heights, MA 02494-9136

FCS Investigations  
Post Office Box 777  
Leesburg, VA 20178

Interboro Institue  
450 W 56th Street  
New York, NY 10019

CSDDUR  
Post Office Box 530  
Durham, NC 27702-0530

First Point Collection Resources \*\*  
Post Office Box 26140  
Greensboro, NC 27402-6140

Internal Revenue Service (MD)\*\*  
Post Office Box 7346  
Philadelphia, PA 19101-7346

Delaware Memorial Bridge  
Post Office Box 71  
Attn: Reconciliation Department  
New Castle, DE 19720

GMAC \*\*  
3104 Unionville Rd Ste 200  
Cranberry, PA 16066-3417

JL Walston  
Northgate Mall Office Area 2  
Suite 225  
Durham, NC 27701

Department of Education\*\*  
P.O. Box 13328  
Richmond, VA 23225-0328

Gouvernement of the District of Columbia  
Post Office Box 2014  
Washington, DC 20013

Juniper  
c/o Barclays Bank  
Post Office Box 13337  
Philadelphia, PA 19101-3337

Duke University Health System, Inc.  
Post Office Box 751274  
Charlotte, NC 28275-1274

Harrisonburg Emergency Physicans  
Post Office Box  
Philadelphia, PA 19101

Law Offices of John T. Orcutt  
6616-203 Six Forks Road  
Raleigh, NC 27615

Durham County Tax Collector  
Post Office Box 3397  
Durham, NC 27701

Hart Acquisitions  
3100 N Roxboro Road  
Durham, NC 27704

LDC Collection Systems  
Post Office Box 1098  
Washington, DC 20013

Durham Radiology & Assoc.,Inc.  
Post Office Box 60280  
Charleston, SC 29419-0280

Household Bank  
Post Office Box 17051  
Baltimore, MD 21297-1051

Mathias-Baker Volunteer Squad  
Post Office Box 72  
Baker, WV 26801

Durham Regional Hospital  
and Emergency Medical Service  
402 Stadium Drive  
Durham, NC 27704

Howard University Hospital  
2041 Georgia Avenue NW  
Washington, DC 20001

MCM  
Department 12421  
Post Office Box 603  
Oaks, PA 19456-0603

EMC Emergency Physicians  
Post Office Box 7206  
Philadelphia, PA 19101-7206

Integon Insurance Company  
Post Office Box 3199  
Winston-Salem, NC 27152-3199

Methodist Health Care  
214 Lakeview Road  
Somerville, TN 38068

Milan General Hospital  
4039 Highland Street  
Milan, TN 38358

Nuvell Credit Corp \*\*  
P.O. Box 380901  
Bloomington, MN 55438-0901

Somerville Emergency Svcs. LLC  
Post Office Box 532893  
Atlanta, GA 30353

Montgomery County Department of Police  
Post Office Box 75069  
Baltimore, MD 21275

Phyisc Associates of Ahoskie  
113B Hertford County High Road  
Ahoskie, NC 27910

Spartan Financial Services  
13730 South Point Boulevard  
Post Office Box 411228  
Charlotte, NC 28241-1228

Nationwide Insurance  
Post Office Box 42735  
Fayetteville, NC 28309-2735

Potomac Electric Power Company  
701 Ninth Street NW  
Washington, DC 20019

Suburban Credit Corporation  
Post Office Box 30640  
Alexandria, VA 22310-0640

New York City Department of Finance  
Church Street Station  
Post Office Box 3671  
New York, NY 10008

Private Diagnostic Clinic, PLLC  
P.O. Box 900002  
Raleigh, NC 27675-9000

Terry Used Cars  
1491 E. Memorial Drive  
Post Office Box 545  
Ahoskie, NC 27910

Newark Beth Israel Medical Center  
201 Lyons Avenue  
Newark, NJ 07112

Professional Recovery Consultants  
2700 Meridian Parkway Suite 200  
Durham, NC 27713-2204

The Jackson Clinic Professional /  
616 West Forest Avenue  
Jackson, TN 38301

North Carolina Department of Revenue  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

Raj Mathur MD  
10218 Yearling Drive  
Rockville, MD 20850

The Rector and Visitor of the Ur  
of Virginia  
580 Massie Road  
Charlottesville, VA 22903

North Carolina Dept of Revenue\*\*  
Post Office Box 1168  
Raleigh, NC 27602-1168

RC Community Health Center  
Post Office Box 669  
Ahoskie, NC 27910

Thomas L Jones  
207 E. Main Street  
Murfreesboro, NC 27855

North Carolina DMV  
1100 New Bern Avenue  
Raleigh, NC 27697

Roanoke Chowan Hospital  
Post Office Box 1385  
Ahoskie, NC 27910

Thompson and Thompson DDS  
10251 Little Brier Creek Lane  
Raleigh, NC 27617

North State Acceptance  
2305 East Millbrook Road  
Raleigh, NC 27616

Santander Consumer USA\*\*  
Attention: Bankruptcy Dept.  
Post Office Box 560284  
Dallas, TX 75356-0284

UNC Hospitals\*\*\*  
211 Friday Center Drive  
Suite G-21  
Chapel Hill, NC 27517

UNC Physicians & Associates\*\*  
Post Office Box 168  
Chapel Hill, NC 27514

US Attorney's Office (MD)\*\*  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858

Washington Gas  
1100 H Street NW  
Washington, DC 20080